

## REMARKS

This is a response to the Office Action mailed on June 18, 2008, in this application. Claims 1-17 are presented for examination. Claims 1, 8, and 17 are currently amended. No new matter has been added.

### *Claim Rejections Under 35 U.S.C. § 112*

Claim 1 was rejected under 35 U.S.C. § 112 as lacking antecedent basis for the limitation "the first communication type signal." This limitation has now been amended to read "the signal following the first communication type," to clarify that what is meant is a signal following (i.e., according to) the first communication type. This amendment finds support, for example, in the following lines of the international publication: p. 7, lines 16-19; and p. 11, lines 5-7.

Claims 8 and 17 were rejected under 35 U.S.C. § 112 as lacking antecedent basis for the limitation "the 2.3 GHz portable Internet service." Claims 8 and 17 have now been amended to recite instead the limitation "a mobile WiMAX service." This limitation finds support, for example, in the international publication at page 8, lines 3-9, as well as originally-filed claims 8 and 17. It is well-known to those with skill in the art that mobile WiMAX is a type of portable Internet service.

It is believed that these amendments obviate the rejections of claims 1, 8, and 17 under 35 U.S.C. § 112. The rejections of these claims should therefore be withdrawn.

### *Claim Rejections Under 35 U.S.C. § 102(b)*

Claims 1-7 and 9-16 were rejected under 35 U.S.C. § 102(b) as anticipated by Volpi, US Pub. 2004/0174900. Applicants respectfully disagree.

35 U.S.C. 102 (b) recites, in pertinent part:

A person shall be entitled to a patent unless—

. . . .

(b) the invention was patented or described in a printed publication in this or a foreign country . . . more than one year prior to the date of application for patent in the United States . .

Further, 35 U.S.C. § 363 states:

An international application designating the United States shall have the effect, from its international filing date under article 11 of the treaty, of a national application for patent regularly

filed in the Patent and Trademark Office except as otherwise provided in section 102(e) of this title.

Volpi was published on September 9, 2004. (See the first page of Volpi.) This application has an international filing date of July 23, 2004. (See the Transmittal Letter, the signed declaration, and the international publication.) The international application designated the United States. (See page 3 of the PCT Request and the face of the international publication.)

Therefore, Volpi is not available as prior art under 35 U.S.C. § 102(b) against this application. Accordingly, applicants respectfully request the withdrawal of the rejections of claims 1-7 and 9-16 based on alleged anticipation by Volpi.

***Claim Rejections Under 35 U.S.C. § 103)***

Claims 8 and 17 were rejected under 35 U.S.C. § 103(a) as obvious over Volpi in view of Elbatt (US Pub 2005/152318). Claims 8 and 17 are dependent claims dependent on, respectively, claims 7 and 16. The Examiner relies on Volpi for the limitations of the base claims, and on Elbatt for the limitation “a communication type which follows the 2.3 GHz portable Internet service.”

As discussed above, Volpi is not available as prior art to the present application. Further, Elbatt does not disclose a 2.3 GHz portable Internet service, but rather a 2.3 GHz satellite broadcast system. It will be appreciated that a broadcast system, being one-way in nature, is distinctly different from Internet service, which is not so limited. Finally, claims 8 and 17 have been amended and no longer include the limitation “a 2.3 GHz portable Internet service.” For at least these reasons, claims 8 and 17 are not obvious in view of Volpi combined with Elbatt, and the respective rejections should be withdrawn.

***Conclusion***

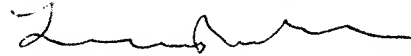
In view of the above, applicants respectfully submit that the present application is in condition for allowance. A favorable disposition to that effect is respectfully requested.

No fee is believe to be due. Please charge any fee that may be due or credit any overpayment to Jones Day Deposit Account No. 50-3013.

Should the Examiner have any questions or comments concerning this submission, he is invited to call the undersigned at the phone number listed below.

Date: September 16, 2008

Respectfully submitted,



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